

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES BEAMON, #166 666,)
Plaintiff,)
v.) CIVIL ACTION NO. 2:09-CV-319-WHA
MONTGOMERY POLICE DEPT.,) [WO]
Defendants.)

ORDER

On April 14, 2009, the Magistrate Judge filed a Report and Recommendation (Doc. 4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 4) of the Magistrate Judge is ADOPTED;
2. Plaintiff's claims against the Montgomery Police Department are DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
3. Plaintiff's challenges to the constitutionality of the robbery and kidnapping convictions imposed upon him by the Circuit Court of Montgomery County, Alabama in 2008 are DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time; and,
4. This case be DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

Done this the 5th day of May, 2009.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE